

Colusa Local Agency Formation Commission

Regular Meeting Agenda

Thursday – March 3, 2022

**Board of Supervisors Chambers
546 Jay Street
Colusa, CA.**

3:00 PM

This will be a Physical Meeting
(A Zoom option is available for the public)

(All meeting materials are available on LAFCo's Website: www.colusalafco.org)

In person meeting: Required for all Commissioners. The Modoc LAFCO meeting will be open to in-person attendance. To remain in compliance with the state's public health guidance and CalOSHA COVID-19 Emergency Temporary Regulations [8 CCR §3205], masks will be encouraged to be worn by individuals who are not fully vaccinated while inside the County Administration building and while in the Board Chambers.

Zoom meeting: The Commission proceedings are available via Zoom and you may participate in Public Comment by using the "raise hand" function. Pursuant to Government Code section 54953, local legislative bodies may hold public meetings via teleconference. Additionally, even when members of the local legislative body are attending meeting in person the local legislative body may make public meetings accessible telephonically or otherwise electronically to all members of the public. Members of the public are encouraged to observe and participate in the teleconference.

Public comment will also be accepted by email at j.benoit4@icloud.com Please list the item number you wish to comment on and submit your written comments 24 hours prior to the start of the meeting. Written comments will be distributed to the Commission prior to the meeting but not read at the meeting and are limited to 500 words

Oral public comments will be subject to a three-minute time limitation indicated below.

The complete agenda, including backup materials and materials related to items on this Agenda submitted to the Commission after distribution of the Agenda Packet, are available for public inspection on the Colusa LAFCo website at www.colusalafco.org

Zoom Information:

Topic: Colusa LAFCo

Time: Mar 3, 2022 03:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

Meeting ID: 880 6321 0680

Passcode: 969801

One tap mobile

+16699006833,,88063210680#,,,,*969801# US (San Jose)

1. Call to Order/Roll Call

Commissioners

Sajit Singh, (Williams, City)
Denise Carter (Chair, County)
Merced Corona (Vice-Chair County)
Brandon Ash (Public)
Greg Ponciano (Colusa, City)

Alternates

Kent Boes (County Alternate)
Tom Reische (City Alternate)

John Loudon, (Public Member Alternate)

Staff

John Benoit, Executive Officer
P. Scott Browne, Legal Counsel
Lora Ceccon Clerk

2. Consider Minutes from January 6, 2022

a. *Consider approving the January 6, 2022 LAFCo minutes*

3. Public Comment

This is the time for the public to address the Commission on any matter not on the agenda. Testimony related to an item on the agenda should be presented at the time that item is considered

4. Consent Agenda (two items)

- a. *Payment of claims for the months of January and February 2022*
- b. *Consider Resolution 2022-0002 regarding remote teleconferencing meetings.*

5. Correspondence: RCRC Telecommunications JPA

Public Hearing

6. Conduct Public Hearing regarding the Proposed 2022-2023 Colusa LAFCo Budget

a. *Consider Resolution 2022-0003 adopting a Proposed 2022-2023 Colusa LAFCo Budget*

7. Policies, Standards and Procedures Amendment regarding Municipal Service Review followup

a) Receive Executive Officer's Report

b) Consider Resolution 2022-0004 adopting an Amendment regarding Municipal Service Review followup.

8. LAFCo 101 Follow up

9. Executive Officer's Report:

a) Cemetery District MSR and SOI

b) 700 Forms due April 1, 2022

10. Commissioner Reports - Discussion

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters

11. Next Colusa LAFCo meeting: April 7, 2022

Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1

Pursuant to Government Code Section 54954.2, Commission members may make a brief announcement or report on activities. Commission members may also provide a reference to staff or other resources for factual information, request staff to report back to the Commission at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

Public Comment

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be of interest to the public and within the Commission's subject matter jurisdiction.
- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).
- The total amount of time allotted for receiving public comment may be limited to 15 minutes.
- Any individual's testimony may be limited to 5 minutes. Time to address the Commission will be allocated on the basis of the number of requests received.

Public Hearings

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person's input to 5 minutes. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

Agenda Materials

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda are available for review for public inspection in the Colusa County Clerk's office located at the Colusa County Courthouse 546 Jay Street, Colusa CA. [such documents are also available on the Colusa LAFCO website as noted below to the extent practicable and subject to staff's ability to post the documents prior to the meeting].

Accessibility

An interpreter for the hearing-impaired may be made available upon request to the Executive Officer 72 hours before a meeting. The location of this meeting is wheelchair-accessible.

Disclosure & Disqualification Requirements

Pursuant to Government Code Sections 56100.1, 56300(b), 56700.1, and 81000 et seq., and Colusa LAFCO's Policies and Procedures for the Disclosure of Contributions and Expenditures in Support of and Opposition to Proposals, any person or combination of persons who directly or indirectly contribute \$1000 or more or expend \$1000 or more in

support of or opposition to a change of organization or reorganization that has been submitted to Colusa LAFCO must comply with the disclosure requirements approved by Colusa LAFCO. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. Additional information may be obtained at the Colusa County Elections Department 546 Jay Street, Colusa, CA 95932. (530) 458-0500

A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Contact LAFCO Staff LAFCO staff may be contacted at (530) 619-5128 or by mail at Colusa LAFCO P.O. Box 2694, Granite Bay Ca 95746 or by email at lafco@countyofcolusa.com or j.benoit4@icloud.com

Webpage Reports, agendas, minutes and general information about LAFCO are available on the LAFCO Webpage at www.colusalafco.org

LOCAL AGENCY FORMATION COMMISSION
COLUSA COUNTY
MINUTES OF MEETING (ZOOM)
January 6, 2022

PRESENT:

MERCED CORONA, County Member Alt.
DENISE CARTER, County Member
GREG PONCIANO, City Member
BRANDON ASH, Public Member
SAJIT SINGH, City Member

ALSO PRESENT:

JOHN BENOIT, Ex. Officer
MARSHA BURCH, Legal Counsel
LORA CECCON, Clerk
JOHN LOUDON, Public Alt.
GREG PLUCKER, Com. Dev.
BRYAN STICE, City of Colusa

1. **Call to Order/Roll Call**

The meeting was called to order at 3:00 p.m. There was a quorum present.

2. **Consider Minutes from September 2nd and November 4th, 2021**

On motion of B. Ash, second by D. Carter, the commission approved minutes for September 2, 2021; motion carried by roll call vote with S. Singh abstaining.

On motion of G. Ponciano, second by M. Corona, the commission approved minutes for November 4, 2021, motion carried by roll call vote with S. Singh abstaining.

3. **Public Comment - None**

4. **Consent Agenda**

- a. **Payment of claims for the months of November and December 2021**
- b. **Consider Resolution 2022-0001 regarding remote teleconferencing meetings**

On motion of M. Corona, second by B. Ash, the commission approved claims for the months of November and December 2021 and Resolution 2022-0001 regarding remote teleconferencing meetings; motion carried by roll call vote.

5. **Correspondence: None**

6. **Discussion regarding LAFCo's Disadvantaged Community Policy and Future Colusa City Annexations.**

John reviewed policy 2.19 Disadvantaged Unincorporated Communities and explained the definition of a disadvantaged unincorporated community.

A map is included in today's agenda packet showing the King Annexation and Goads Extension.

Bryan Stice, City of Colusa, provided a brief summary of the project stating that King is ready to move forward with the annexation, Goads is not proposing annexation; however, may need to be annexed in the future. They do not want to muddy the waters for the King

annexation due to Goads, but is there a disadvantaged area they need to be concerned with?

John does not think they would need to include Goads in the annexation. More discussion followed.

7. Policies, Standards and Procedures Amendment regarding Municipal Service Review follow-up

John advised the commission that there should be some kind of follow-up on service reviews to ensure districts are working on any findings/determinations noted in the MSR. Districts will be asked to report to the commission, within a year, how they are addressing any determinations. This could help to improve the relationship between Lafco and the districts; we are here to help them.

A copy of the proposed policy, 3.3 (e) Municipal Service Review (MSR) Follow-up is included in today's agenda packet.

On motion of B. Ash, second by G. Ponciano, the commission approved policy 3.3 (e) Municipal Service Review (MSR) Follow-up; motion carried by roll call vote.

8. LAFCo 101 Overview of LAFCo

John presented LAFCo 101 – an overview of LAFCo.

9. Executive Officer's Report

- a) Cemetery District MSR and SOI – John did not receive as many responses as he was hoping; needs updated contact information
- b) New Colusa LAFCo phone # (530) 619-5128

Form 700's are due April 1, 2022

10. Commissioner Reports –

G. Ponciano stated that he has been re-appointed to LAFCo as the City of Colusa representative.

11. Next Colusa LAFCo meeting: February 3, 2022 (as needed)

Meeting adjourned 3:54 p.m.

Colusa Local Agency Formation Commission

4a

CLAIMS

January and February 2022

Authorize payment of the following claims:

FY 2021-2022 Expenses

Claims for January and February:

Feb 1, 2021	Staff Svcs and Exp. – Jan 2022	\$ 4,374.38
Feb 1, 2022	Nov, Dec and Jan (1-24) Cemetery Dist MSR	\$ 4,675.00
12.16-21-1.15.22	Legal Svcs. P. Scott Browne	\$ 2,000.00
Mar 1, 2022	Staff Svcs February 2022	\$ 4,000.00
Mar 1, 2022	Jan 25-31 & Feb Cemetery District MSR	\$ 5,610.00
1.16.22-2.15.22	Legal Svcs. P. Scott Browne	\$ 2,000.00
Feb 14, 2022	Pioneer Review – 22-23 Budget notice	\$ 48.00
TOTAL:		\$22,707.38

DATED: Jan 6, 2022

APPROVED: Jan 6, 2022

Denise Carter , Chair or Merced Corona , Vice-Chair
Colusa Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

Expenditure Category	Executive Off.	Co Clerical	Supp Workers	Com Lgl	Services	Insurance	Office Suppli	Postage	Copies	Memberships
City Coding	7338	7320	7016	7321	7315	7339	7322	7322	7319	
	\$48,000.00	\$3,657.00	\$50.00	\$24,000.00	\$2,497.22	\$375.00	\$500.00	\$750.00	\$1,808.00	
SDRMA Insurance 21-22						-\$2,573.06				
CALAFCo Dues 21-22										-\$1,308.00
Staff Svcs July 2021	-\$4,000.00						-\$24.95			
Frontier phone forwarding										
Browne ending 7.15.21 #940					-\$2,000.00					
Calafco Conf. Regist 2021 Corona and Ponciano										
Staff Svcs August 2021	-\$4,000.00	-\$175.00							-\$25.00	
Browne ending 8.15.2021					-\$2,000.00					
Frontier phone July 7, 2021										
Staff Svcs September 2021	-\$4,000.00	-\$175.00							-\$10.00	
Browne ending 9.15.21					-\$2,000.00					
Staff Svcs October 2021	-\$4,000.00								-\$10.00	
Browne ending 10.15.2021					-\$2,000.00					
2022 CSDA Membership Renewal										-\$500.00
Reimbursement from Front Phone										
Browne ending 11.15.21					-\$2,000.00					
Staff Svcs Nov 2021	-\$4,000.00	-\$175.00						-\$1.80	-\$50.00	
Staff Svcs December 2021	-\$4,000.00							-\$2.56	-\$10.00	
Browne ending 12.15.21					-\$2,000.00					
REVENUE Cheney Annex										
Staff Svcs January 2022 22-013	-\$4,000.00	-\$175.00					-\$66.04			
Browne ending 1.15.22					-\$2,000.00					
Browne ending 2.15.2022					-\$2,000.00					
Staff Svcs Feb 2022 22-0017	-\$4,000.00									
Pioneer Review Prop 22-23 budget										

Total Expended in FY 21-22	-\$32,000.00	-\$700.00	\$0.00	-\$16,000.00	-\$2,573.06	-\$90.99	-\$4.36	-\$105.00	-\$1,808.00	
Total Remaining in FY 21-22	\$16,000.00	\$2,957.00	\$50.00	\$8,000.00	-\$75.84	\$284.01	\$495.64	\$645.00	\$0.00	

RESOLUTION NO. 2022-0002

A RESOLUTION OF THE COLUSA LAFCO OF THE AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE COMMISSION PURSUANT TO GOVERNMENT CODE SECTION 54953(e)

WHEREAS, Government Code section 54953(e), as amended by Assembly Bill No. 361, allows legislative bodies to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as the legislative body complies with certain requirements, there exists a declared state of emergency, and one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is holding the meeting for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined, by majority vote, pursuant to option 2, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, the Governor of California proclaimed a state of emergency pursuant to Government Code section 8625 on March 4, 2020; and

WHEREAS, the COLUSA LAFCO desires to hold its public meetings by teleconference consistent with Government Code section 54953(e).

NOW, THEREFORE, THE COLUSA LAFCO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Conditions are Met. The COLUSA LAFCO hereby finds and declares the following, as required by Government Code section 54953(e)(3):

1. The Governor of California proclaimed a state of emergency on March 4, 2020, pursuant to Government Code section 8625, which remains in effect.
2. The reasons for adopting this resolution are one or more of the following:
 - a. State or local officials have imposed or recommended measures to promote social distancing.

- b. The legislative body is holding the meeting for the purpose of determining whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- c. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

PASSED AND ADOPTED by the Colusa LAFCo, this 3rd day of March 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Denise Carter, Chair

Colusa Local Agency Formation Commission

ATTEST:

John Benoit, Executive Officer

COLUSA LOCAL AGENCY FORMATION COMMISSION,

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RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

January 5, 2022

Dear LAFCO Executive Officer,

Rural County Representatives of California (RCRC) represents the collective unique interests of its 38 member counties in lobbying and advocacy and through the implementation of innovative programs and services. The county that you represent is a member of RCRC and has recently, by a vote of the County Board of Supervisors, elected to join the Golden State Connect Authority (GSCA) Joint Powers Authority (JPA).

The Board of Directors of RCRC voted unanimously to approve the formation of Golden State Connect Authority JPA on August 18, 2021, for the purpose of expanding broadband access and quality in rural counties. The official formation meeting of GSCA was held on December 9, 2021. Thirty-seven of RCRC's 38 member counties have voted to join the JPA. (Santa Barbara County's membership in RCRC was approved by the RCRC Board on December 9, 2021. They are now eligible to become a member of GSCA. This is the only RCRC member county which is not currently a member of GSCA.)

As with RCRC, the proposed new entity will be governed by delegate Supervisors from each member county. Initial areas of focus for broadband work on behalf of Member Counties will include:

- *Foundational Readiness*: Ensure all member counties have broadband strategic plans
- *Capacity Building*: Equip rural counties with information and resources about innovative models and approaches to broadband deployment
- *Demonstration Projects*: Implement open-access municipal broadband projects

Attached to this letter is a copy of the documents that were filed with the Secretary of State and the State Controller's Office. If you have any questions about GSCA, please do not hesitate to contact me.

Sincerely,

BARBARA HAYES
Chief Economic Development Officer

Cc: RCRC Member County Delegate

Attachments: Golden State Connect Authority Joint Exercise of Powers
Registry of Public Agencies (SF-405) and Notice of a Joint Powers Agreement (SF-404A)
Golden State Connect Authority Member Counties

1215 K Street, Suite 1650, Sacramento, CA 95814 | www.rcrcnet.org | 916.447.4806 | Fax: 916.448.3154

COLUSA LOCAL AGENCY FORMATION COMMISSION

Item #6

MEMORANDUM

March 3, 2022

To: Local Agency Formation Commission Commissioners
From: John Benoit, Executive Officer
RE: Proposed Budget for FY 2022-2023
Attachment: Budget Resolution 2022-0003
MSR and SOI Status Sheet

Since the passage of AB-2838 in 2000, LAFCO has become independent (as a result of legislative mandate) from the County. Before, operational costs of LAFCO were entirely paid by the County including costs staff time, legal services, miscellaneous office expenses, and insurance. The Legislature took the recommendation of the Commission on Local Governance for the 21st Century and concluded that LAFCO costs were to be paid by both the City and County and LAFCOs were to become entirely independent and by Special Districts if seated on LAFCO. In the latter case costs are to be split in equal thirds. Many costs have become more apparent since LAFCO is independent. Although in Colusa County LAFCO remains in the County's A-87 program, LAFCO's participation in this program is limited to accounting/auditing/financial services.

Since 2001 the legislature has given the Commission discretion over it's own budget including Legal Services (Attorney), Executive Officer Services, Office Expenses, and the amount of funds allocated for MSR's and SOI's.

In the attached sheet, I have provided a "Proposed" budget based on the costs to provide LAFCO in light of various mandates. The Budget Committee has reviewed the proposed budget. This budget relies on carryover to be balanced.

The overall goal of this budget is to conduct LAFCO business in a proactive manner involving the Community and to meet the overall requirements of the Cortese-Knox-Hertzberg Act at a reasonable cost.

Municipal Service Reviews and Sphere of Influence updates continue in the upcoming year. Colusa LAFCO as most other LAFCO's is updating its service reviews and sphere updates, as necessary. To perform these updates Colusa LAFCO has set forth a policy to incrementally complete the MSR/SOI reports and updates without the need for substantial additional special funding.

SUMMARY OF PROPOSED EXPENSES:

Note: Most budgets remain essentially the same as the previous years with a few minor exceptions. The pandemic has had a minor effect on the LAFCo Budget.

The CALAFCO Dues have been increased by \$64.00 to \$1,372 as voted on by its Directors at the CALAFCO meeting. CSDA membership remains at \$500.00 therefore, the total for the membership category is \$1,872.00.

1. The commission entered into an agreement with the City of Williams for \$3,000.00 per year. The County required a two-year back out from A-87. It has been two years so the total for this category is \$3,000.00.
2. The Special Districts Risk Management Authority has indicated a rate increase for FY 22-23 to 3,144.00 at this time the amount budgeted is therefore increased by 646.78.
3. The Communications budget has been reduced \$600.00 to \$800.00 for FY 22-23
4. There will be no proposed increase in the Reserve Fund this year, which is at \$60,000.

Transportation/Travel & Training The committee recommending \$6,500 combined for these two items. This represents funding for 2 or 3 commissioners to attend the annual conference in Santa Ana. Estimated costs for each Commissioner to attend the Calafco Annual Conference (October 19-21, 2022) is approximately \$1,800 per person including transportation, lodging for and conference registration and mileage from Colusa to the Sacramento Airport and Flight. The justification for this expense is LAFCO Commissioners need to be informed decision makers. Commissioners need the tools to carry out their statutory responsibilities in a responsible manner. Training and interaction with Commissioners from other LAFCO's will assist those Commissioners in attendance to bring back ideas to be shared with the remainder of the Commission. Training is necessary to remain informed of changes in LAFCO law and procedures. This item also includes funds for a portion of Staff's expense to represent Colusa LAFCO at CALAFCO Activities.

Note: A decision as to the actual number of Commissioners anticipating attendance at the conference is needed before the final budget is approved.

Worker's Comp: Approximately \$50.00 is needed to cover the costs of Worker's comp for the Public Member and Public Member alternate.

Executive Officer - Staff Services The Committee is recommending \$48,000 for this item. This is the same as for the previous seventeen years. This translates to \$4,000 per month for LAFCO administrative activities. Since the LAFCO set-up work is completed, costs of administering the MSR's and SOI's and environmental reviews for the SOI's will be included (unless an Environmental Impact Report is required necessitating an independent consultant). Notwithstanding a very complex reorganization (application), controversial service review, sphere of influence or incorporation project for Colusa LAFCO, this amount should cover LAFCO administration and potentially may allow time to work on the Municipal Services Reviews

and Sphere Studies if project activity is lower than expected thereby possibly resulting in a larger rollover to the next fiscal year in those line-item budgets.

Note: project related cost overruns relating to an application would normally be fee supported if an augmentation is needed in this category as well as office expenses. A project proponent will pay all project related costs including legal costs.

Clerical Support: The Committee is recommending \$3,657 for clerk or clerical services. A LAFCO Clerk is necessary to record meetings to produce an accurate record and provide other miscellaneous duties. Assistance is needed in production and distribution of packets and miscellaneous analyst duties.

Webhosting: Budgeting in this category has been eliminated since staff manages the LAFCO webpage. Website costs (URL Registration, for example) are paid from the office expense category.

Legal Services The Committee is recommending \$24,000 for this item. Since LAFCO has become independent, separate LAFCO Counsel is necessary to represent LAFCO's interest. This cost is fixed rate for normal legal services. LAFCO Counsel is needed to provide legal direction at meetings of the Commission and to protect LAFCO's interests where required. Project related legal costs would be billed to the project proponent through LAFCO's fee structure. Should the Commission wish to amend Counsel's contract, the contract information is as follows.

Liability Insurance: LAFCO is required to have insurance as an independent agency. Seven years ago, the Board of Supervisors made a final determination that LAFCO should have independent insurance. Therefore, LAFCO's bought insurance through the SDRMA. This year's cost is estimated at this time to be \$3,144.

Office Supplies This item covers copy costs, postage, and misc. office supplies. Expenses for FY 2022-2023 are expected to remain the same for postage, copies and office expenses at \$1,325.00. The Committee is recommending a minimal budget remain to cover expenses related to MSR's and SOI studies and to process additional projects. Copy and Postage expenses for MSR's and SOI's are included in this line-item budget.

Memberships As a condition of having SDRMA Insurance, a \$500.00 membership fee is required in the CSDA. In FY 2022-2023 the CALAFCO membership cost is \$1,372.00

Legal Notices/Publications The Committee is recommending \$750.00 for this item. Legal notices are required by state law and must be prepared for Municipal Service Reviews and Sphere of Influence Updates, all public hearings before the Commission and protest hearings. Public hearing notices are required for many LAFCO actions. Cost overruns in this category will be fee supported.

Communications The Committee is recommending \$800. to cover communications. This amount will provide phone access to LAFCO by agencies and the public.